

U.S. District Court
District of New Jersey [LIVE] (Trenton)
CIVIL DOCKET FOR CASE #: 3:14-cv-05738-MAS-LHG

KLEIN v. TD AMERITRADE HOLDING CORPORATION et al
Assigned to: Judge Michael A. Shipp
Referred to: Magistrate Judge Lois H. Goodman
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 09/15/2014
Jury Demand: Plaintiff
Nature of Suit: 850 Securities/Commodities
Jurisdiction: Federal Question

Movant

Kwok L. Shum

represented by **JOSEPH J. DEPALMA**
LITE, DEPALMA, GREENBERG, LLC
TWO GATEWAY CENTER
12TH FLOOR
NEWARK, NJ 07102-5003
(973) 623-3000
Email: jdepalma@litedepalma.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

RODERICK FORD

represented by **JOSEPH J. DEPALMA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

GERALD J. KLEIN
on behalf of himself and all similarly situated

represented by **JOSEPH J. DEPALMA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

KATRINA CARROLL
LITE DEPALMA GREENBERG, LLC
TWO GATEWAY CENTER
NEWARK, NJ 07102
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V.

Defendant

**TD AMERITRADE HOLDING
CORPORATION**

represented by **DONALD A. ROBINSON**
ROBINSON, WETTRE & MILLER LLC
ONE NEWARK CENTER
19TH FLOOR
NEWARK, NJ 07102
(973) 690-5400

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Defendant**TD AMERITRADE, INC.**

represented by **DONALD A. ROBINSON**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LEDA DUNN WETTRE
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant**FREDRIC TOMCZYK**

represented by **DONALD A. ROBINSON**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LEDA DUNN WETTRE
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/15/2014	<u>1</u>	COMPLAINT against FREDRIC TOMCZYK, TD AMERITRADE HOLDING CORPORATION, TD AMERITRADE, INC. (Filing and Admin fee \$ 400 receipt number 5931693) with JURY DEMAND, filed by GERALD J. KLEIN. (Attachments: # <u>1</u> Certification, # <u>2</u> Civil Cover Sheet, # <u>3</u> Certification of Non-Arbitrability)(mak) (Entered: 09/16/2014)
09/16/2014	<u>2</u>	SUMMONS ISSUED as to FREDRIC TOMCZYK, TD AMERITRADE HOLDING CORPORATION, TD AMERITRADE, INC. Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. Issued By *Marlene Kalbach* (mak) (Entered: 09/16/2014)
10/02/2014	<u>3</u>	NOTICE of Appearance by DONALD A. ROBINSON on behalf of FREDRIC TOMCZYK, TD AMERITRADE HOLDING CORPORATION, TD AMERITRADE, INC. (ROBINSON, DONALD) (Entered: 10/02/2014)
10/02/2014	<u>4</u>	SUMMONS Returned Executed by GERALD J. KLEIN. TD AMERITRADE, INC. served on 9/22/2014, answer due 10/14/2014. (DEPALMA, JOSEPH) (Entered: 10/02/2014)

10/02/2014	<u>5</u>	SUMMONS Returned Executed by GERALD J. KLEIN. FREDRIC TOMCZYK served on 9/22/2014, answer due 10/14/2014. (DEPALMA, JOSEPH) (Entered: 10/02/2014)
10/02/2014	<u>6</u>	SUMMONS Returned Executed by GERALD J. KLEIN. TD AMERITRADE HOLDING CORPORATION served on 9/22/2014, answer due 10/14/2014. (DEPALMA, JOSEPH) (Entered: 10/02/2014)
10/08/2014	<u>7</u>	Letter from Donald Robinson to Judge Shipp re proposed Consent Scheduling Order. (Attachments: # <u>1</u> Proposed Consent Scheduling Order)(ROBINSON, DONALD) (Entered: 10/08/2014)
10/09/2014	<u>8</u>	CONSENT SCHEDULING ORDER: Ordering that the time for Defendants to answer, move or otherwise respond to the Complaint is adjourned; Ordering that within 60 days of appointment of lead plaintiff and lead counsel, lead Plaintiff shall file an Amended Complaint or notify defendants that it intends to rest on initial complaint; Ordering that Defendants then have 60 days to answer, move or otherwise respond to the Complaint. Signed by Magistrate Judge Lois H. Goodman on 10/9/2014. (eaj) (Entered: 10/09/2014)
10/17/2014	<u>9</u>	APPLICATION/PETITION for pro hac vice admissions (with consent) for by FREDRIC TOMCZYK, TD AMERITRADE HOLDING CORPORATION, TD AMERITRADE, INC.. (Attachments: # <u>1</u> Declaration of Donald Robinson, # <u>2</u> Declaration of A. Robert Pietrzak, # <u>3</u> Declaration of Alex J. Kaplan, # <u>4</u> Declaration of Jackie A. Lu, # <u>5</u> Text of Proposed Order)(ROBINSON, DONALD) (Entered: 10/17/2014)
10/20/2014	<u>10</u>	ORDER granting leave to appear pro hac vice as to A. Rovert Pietrzak, Esq., Alex J. Kaplan, Esq. and Jackie A. Lu, Esq. Signed by Magistrate Judge Lois H. Goodman on 10/20/2014. (eaj) Modified on 10/29/2014 (dm). (Entered: 10/20/2014)
10/20/2014	<u>11</u>	NOTICE of Appearance by LEDA DUNN WETTRE on behalf of FREDRIC TOMCZYK, TD AMERITRADE HOLDING CORPORATION, TD AMERITRADE, INC. (WETTRE, LEDA) (Entered: 10/20/2014)
10/20/2014	<u>12</u>	Notice of Request by Pro Hac Vice A. Robert Pietrzak, Esq. to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-6000430.) (ROBINSON, DONALD) (Entered: 10/20/2014)
10/20/2014	<u>13</u>	Notice of Request by Pro Hac Vice Alex J. Kaplan, Esq. to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-6000433.) (ROBINSON, DONALD) (Entered: 10/20/2014)
10/20/2014	<u>14</u>	Notice of Request by Pro Hac Vice Jackie A. Lu, Esq. to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-6000437.) (ROBINSON, DONALD) (Entered: 10/20/2014)
10/21/2014	<u>1</u>	Pro Hac Vice counsel, ALEX J. KAPLAN, JACKIE A LU and A. ROBERT PIETRZAK, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (eaj) (Entered: 10/21/2014)
10/21/2014	<u>15</u>	NOTICE of Appearance by KATRINA CARROLL on behalf of GERALD J. KLEIN (CARROLL, KATRINA) (Entered: 10/21/2014)
10/22/2014	<u>16</u>	APPLICATION/PETITION for Pro Hac Vice Admission of Nancy A. Kulesa and Christopher J. Kupka for by GERALD J. KLEIN. (Attachments: # <u>1</u> Certification of Joseph J. DePalma, # <u>2</u> Certification of Nancy A. Kulesa, # <u>3</u> Certification Christopher J. Kupka, # <u>4</u> Text of Proposed Order)(DEPALMA, JOSEPH) (Entered: 10/22/2014)
10/27/2014	<u>17</u>	ORDER granting leave to appear pro hac vice as to Nancy A. Kulesa and Christopher J. Kupka. Signed by Magistrate Judge Lois H. Goodman on 10/24/2014. (eaj) (Entered: 10/27/2014)

11/07/2014	<u>18</u>	Corporate Disclosure Statement by TD AMERITRADE HOLDING CORPORATION, TD AMERITRADE, INC.. (ROBINSON, DONALD) (Entered: 11/07/2014)
11/07/2014	<u>19</u>	MOTION to Transfer Case to District of Nebraska by FREDRIC TOMCZYK, TD AMERITRADE HOLDING CORPORATION, TD AMERITRADE, INC.. (Attachments: # <u>1</u> Brief In Support of Motion to Transfer, # <u>2</u> Declaration of Donald Robinson, # <u>3</u> Exhibit A to Robinson Declaration, # <u>4</u> Exhibit B to Robinson Declaration, # <u>5</u> Exhibit C to Robinson Declaration, # <u>6</u> Exhibit D to Robinson Declaration, # <u>7</u> Exhibit E to Robinson Declaration, # <u>8</u> Exhibit F to Robinson Declaration, # <u>9</u> Exhibit G to Robinson Declaration, # <u>10</u> Exhibit H to Robinson Declaration, # <u>11</u> Exhibit I to Robinson Declaration, # <u>12</u> Exhibit J to Robinson Declaration, # <u>13</u> Exhibit K to Robinson Declaration, # <u>14</u> Exhibit L to Robinson Declaration, # <u>15</u> Declaration of Felix Davidson, # <u>16</u> Text of Proposed Order)(ROBINSON, DONALD) (Entered: 11/07/2014)
11/10/2014	<u>I</u>	Set Deadlines as to <u>19</u> MOTION to Transfer Case to District of Nebraska . Motion set for 12/1/2014 before Judge Michael A. Shipp. The motion will be decided on the papers. No appearances required unless notified by the court. (eaj) (Entered: 11/10/2014)
11/14/2014	<u>20</u>	Letter from Joseph J. DePalma enclosing Joint Stipulation and Order Amending Briefing Schedule. (Attachments: # <u>1</u> Joint Stipulation and Order Amending Briefing Schedule on Defendants' Motion to Transfer)(DEPALMA, JOSEPH) (Entered: 11/14/2014)
11/17/2014	<u>21</u>	JOINT STIPULATION AND ORDER Amending Briefing Schedule on Defendants' Motion to Transfer. Signed by Judge Michael A. Shipp on 11/17/2014. (mmh) (Entered: 11/17/2014)
11/17/2014	<u>I</u>	Reset Deadlines as to <u>19</u> MOTION to Transfer Case to District of Nebraska . Motion reset for 12/15/2014 before Judge Michael A. Shipp. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 11/17/2014)
11/17/2014	<u>22</u>	MOTION to Appoint Lead Plaintiff <i>Notice of Motion of The Shum Group for Appointment as Lead Plaintiff and Approval of Selection of Counsel</i> by Kwok L. Shum, RODERICK FORD. (Attachments: # <u>1</u> Brief Memorandum of Law in Support of Motion of The Shum Group For Appointment as Lead Plaintiff and Approval of Selection of Counsel, # <u>2</u> Declaration of Joseph J. DePalma, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Text of Proposed Order)(DEPALMA, JOSEPH) (Entered: 11/17/2014)
11/18/2014	<u>I</u>	Set Deadlines as to <u>22</u> MOTION to Appoint Lead Plaintiff <i>Notice of Motion of The Shum Group for Appointment as Lead Plaintiff and Approval of Selection of Counsel</i> . Motion set for 12/15/2014 before Judge Michael A. Shipp. The motion will be decided on the papers. No appearances required unless notified by the court. (eaj) (Entered: 11/18/2014)
11/19/2014	<u>I</u>	Pro Hac Vice fee received as to Nancy A. Kulesa and Christopher J. Kupka: \$ 300, receipt number TRE049785 (eaj) (Entered: 11/19/2014)
11/19/2014	<u>23</u>	Notice of Request by Pro Hac Vice NANCY A. KULESA to receive Notices of Electronic Filings. (DEPALMA, JOSEPH) (Entered: 11/19/2014)
11/19/2014	<u>24</u>	Notice of Request by Pro Hac Vice CHRISTOPHER J. KUPKA to receive Notices of Electronic Filings. (DEPALMA, JOSEPH) (Entered: 11/19/2014)
11/19/2014	<u>I</u>	Pro Hac Vice counsel, NANCY A. KULESA and CHRISTOPHER J. KUPKA, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (eaj) (Entered: 11/19/2014)
11/24/2014	<u>25</u>	Letter from Donald Robinson to Judge Shipp on behalf of all parties. (Attachments: # <u>1</u> Text of Proposed Order re Motion to Transfer, # <u>2</u> Text of Proposed Order re Appointing Lead Counsel)(ROBINSON, DONALD) (Entered: 11/24/2014)

12/02/2014	<u>1</u> <u>26</u>	ORDER granting <u>19</u> Defendants' Motion to Transfer Case to NEBRASKA (USCA Electronically Notified). Signed by Judge Michael A. Shipp on 12/1/2014. (ej) (Entered: 12/02/2014)
12/02/2014	<u>1</u> <u>27</u>	ORDER granting <u>22</u> the Shum Groups Motion Appoint Lead Plaintiff; Law Firm Levi & Korsinsky LLP to serve as Lead Counsel and Lite DePalma Greenberg, LLC to serve as Liaison Counsel.. Signed by Judge Michael A. Shipp on 12/1/2014. (ej) (Entered: 12/02/2014)